IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 211 OF 2004

Rashiklal Jayantilal Valia ... Petitioner

versus

Ishwar Ratilal Sayer & anr. ... Respondent

...

Mr. B.B. Parekh and Ms. J.P. Kar for the private parties.

Mr. Saste, A.P.P., for the State.

...

CORAM : A.M.KHANWILKAR,J.

14th September 2004

P.C.:

. Heard Counsel for the parties. Rule. Rule made returnable forthwith by consent. Mr. Parekh waives notice for Respondent No. 1. Mr. Saste, A.P.P., waives notice for Respondent No. 2. As short question is involved, petition taken up for final disposal forthwith by consent.

. The Applicant has been convicted and sentenced in respect of offence punishable under

section 138 of the Negotiable Instruments Act. It is stated on affidavit before this Court that parties have amicably settled the matter. The applicant has paid the requisite amount to the Respondent No. 1, who is also personally present in the Court and has accepted this position. In view of this development, this application ought to succeed. The impugned decisions are quashed and set aside. The applicant be released forthwith, if not required in any other offence. The applicant has deposited sum of Rs.1 lakh in the trial Court. That amount be allowed to be withdrawn by Respondent No. 1 towards the liability of the applicant in terms of the settlement arrived at between the parties. The trial Court shall permit the Respondent No. 1 to withdraw the amount if such application is made. Application allowed on the above terms.

. In view of this order, nothing survives in Criminal Application No. 3886 of 2004. Same is disposed of.

. Parties to act on the authenticated copy of this Order.

(A.M.KHANWILKAR,J.)